

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

<div>SECURITIES INVESTOR PROTECTION CORPORATION,</div> <div>Plaintiff-Applicant,</div> <div>v.</div> <div>BERNARD L. MADOFF INVESTMENT SECURITIES LLC,</div> <div>Defendant.</div>	Adv. Pro. No. 08-01789 (CGM)
<div>In re:</div> <div>BERNARD L. MADOFF,</div> <div>Debtor.</div>	SIPA Liquidation (Substantively Consolidated)
<div>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff,</div> <div>Plaintiff,</div> <div>v.</div> <div>MERRILL LYNCH INTERNATIONAL,</div> <div>Defendant.</div>	Adv. Pro. No. 10-05346 (CGM)

**DECLARATION OF AMBER L. COVUCCI, ESQ. IN SUPPORT OF
DEFENDANT MERRILL LYNCH INTERNATIONAL'S MOTION TO DISMISS**

I, Amber L. Covucci, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 the following:

1. I am duly licensed and admitted to practice law in the State of New York, and I am a counsel with the law firm O'Melveny & Myers, counsel for Defendant Merrill Lynch International ("MLI"). I respectfully submit this declaration in support of MLI's Motion to Dismiss.

2. Attached hereto as Exhibit A is a true and correct copy of the Fairfield Amended Complaint,¹ *Picard v. Fairfield Sentry Ltd., et al.*, Adv. Proc. No. 09-1239 (Bankr. S.D.N.Y. July 20, 2010), ECF No. 23 (without exhibits).

3. Attached hereto as Exhibit B is a true and correct copy of the Fairfield Settlement Agreement, *Picard v. Fairfield Sentry Ltd., et al.*, Adv. Proc. No. 09-1239 (Bankr. S.D.N.Y. May 9, 2011), ECF No. 69-2. The Fairfield Settlement Agreement was approved by this Court. Adv. Proc. No. 09-1239 (Bankr. S.D.N.Y. June 7, 2011), ECF No. 92.

4. Attached hereto as Exhibit C is a true and correct copy of the Fairfield Second Amended Complaint, *Picard v. Fairfield Sentry Ltd., et al.*, Adv. Proc. No. 09-1239 (Bankr. S.D.N.Y. Aug. 28, 2020), ECF No. 286 (with Exhibits 5, 6, 8, 10, 12, 13, 14, and 21).

5. Attached hereto as Exhibit D is a true and correct copy of the First Amended Complaint in *Fairfield Sentry Ltd. v. Citco Global Custody NV*, No. 19-1122 (Bankr. S.D.N.Y. Nov. 26, 2019), ECF No. 19.

¹ Capitalized terms not defined herein shall have the same meaning as ascribed in the motion to dismiss the Complaint.

Dated: June 23, 2022
New York, New York

By: /s/ Amber L. Covucci
Amber L. Covucci
O'MELVENY & MYERS LLP
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Email: acovucci@omm.com

Attorney for Defendant
Merrill Lynch International